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10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13  
14 WALTER SPURLOCK and ANDRE  
GUIBERT,

15 Plaintiffs,

16 vs.

17 CITY AND COUNTY OF SAN  
FRANCISCO, AIRPORT COMMISSION OF  
18 THE CITY AND COUNTY OF SAN  
FRANCISCO, DOE 1 in his individual  
19 capacity and official capacity as Aviation  
Security and Regulatory Compliance Officer at  
20 the San Francisco International Airport, and  
JEFF LITTLEFIELD in his individual capacity  
21 and official capacity as Chief Operating  
Officer at San Francisco International Airport,

22 Defendants.  
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Case No. 3:23-cv-4429

**DECLARATION OF MOLLY J. ALARCON IN  
SUPPORT OF DEFENDANTS' REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
MOTION TO DISMISS THE COMPLAINT**

**DECLARATION**

I, Molly J. Alarcon, declare as follows:

1. I am an attorney duly licensed to practice law in California, and a Deputy City Attorney for the City and County of San Francisco assigned to represent Defendants the City and County of San Francisco, the Airport Commission of the City and County of San Francisco, Jeff Littlefield, and Doe 1 in the above-captioned case. I have personal knowledge of the matters stated herein and, if called upon, I could and would testify competently to the contents of this Declaration.

2. The Charter of the City and County of San Francisco (the "S.F. Charter") is a public record made available online in the American Legal Publishing's Code Library.

3. S.F. Charter Article I, § 1.101 is available at [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_charter/0-0-0-22#ID\\_1.101](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_charter/0-0-0-22#ID_1.101)

4. S.F. Charter, Article IV, § 4.100 is available at [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_charter/0-0-0-166](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_charter/0-0-0-166)

5. S.F. Charter, Article IV § 4.102 is available at [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_charter/0-0-0-181](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_charter/0-0-0-181)


6. S.F. Charter, Article IV § 4.115 is available at [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_charter/0-0-0-303](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_charter/0-0-0-303)

7. S.F. Charter, Article IV § 4.126 is available at [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_charter/0-0-0-366](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_charter/0-0-0-366)

8. True and correct copies of these provisions, S.F. Charter, Article 1, § 1.101, and Article IV, §§ 4.100, 4.102, 4.115, and 4.126 are attached hereto as **Exhibit A**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 27th day of November, 2023 in San Francisco, California.

  
MOLLY J. ALARCON

# Exhibit A

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## **SEC. 1.101. RIGHTS AND POWERS.**

The City and County of San Francisco may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter. The City and County may make and enforce within its limits all local police, sanitary and other ordinances and regulations. The City and County may appear, sue and defend in all courts in all matters and proceedings.

All rights and powers of a City and County which are not vested in another officer or entity by this Charter shall be exercised by the Board of Supervisors.

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## **SEC. 4.100. GENERAL.**

In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions and other units of government. To the extent law permits, each appointive board, commission, or other unit of government of the City and County established by State or Federal law shall be subject to the provisions of this Article and this Charter.

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## **SEC. 4.102. BOARDS AND COMMISSIONS – POWERS AND DUTIES.**

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation;
2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;
3. After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget on behalf of the executive branch and the Board of Supervisors' authority under Section 9.103;
4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;
5. Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;
6. Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;
7. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;
8. Exercise such other powers and duties as shall be prescribed by the Board of Supervisors; and
9. Appoint an executive secretary to manage the affairs and operations of the board or commission.

In furtherance of the discharge of its responsibilities, an appointive board, commission or other unit of government may:

10. Hold hearings and take testimony; and
11. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.

Each board or commission, relative to the affairs of its own department, shall deal with administrative matters solely through the department head or his or her designees, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the board or commission's powers of hearing and inquiry as provided in this Charter.

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## **SEC. 4.115. AIRPORT COMMISSION.**

The Airport Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Airports, related on the basis of executive, administrative and technical qualifications.

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all property, as well as the real, personal and financial assets which are under the Commission's jurisdiction.

Subject to the approval, amendment or rejection of the Board of Supervisors of each issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-related purposes.

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#### **SEC. 4.126. DEPARTMENTS – GENERAL PROVISIONS.**

Except as otherwise provided by this Charter, the responsibilities of each department within the executive branch shall be prescribed by ordinance.

The administration and management of each department within the executive branch shall be the responsibility of the department head. Such officials may:

1. Appoint qualified individuals to fill all positions within their departments which are exempt from the Civil Service provisions of this Charter;
2. Adopt rules and regulations governing matters within the jurisdiction of their respective departments, subject, if applicable, to Section 4.102; and
3. With the approval of the City Administrator, reorganize their respective departments.

No person serving on a board or commission created by state law to discharge a state function specifically within the City and County may be employed as a paid staff member to a board or commission created by this Charter.